B/21 (09-04)

PTO/SB/21 (09-04) Approved for use through 7/31/2006 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE perwork Reduction act of 1995, no persona are required to respond to a collection of information unless it displays a valid OMB control number. 10/081.526 Application Number TRANSMITTAL **FORM** 02/21/2002 Filing Date First Named Inventor Jack Wilkinson et al. 1639 **Art Unit** Wessendorf, Theresa D. **Examiner Name** (to be used for all correspondence after initial filing) Attorney Docket Number 0174.210US/16185US02 Total Number of Pages in This Submission **ENCLOSURES** (check all that apply) After Allowance Communication Fee Transmittal Form Drawing(s) to TC Licensing-related Papers Fee Attached Appeal Communication to Board Amendment/Reply Petition of Appeals and Interferences Petition to Convert to a After Final Appeal Communication to TC Provisional Application (Appeal Notice, Brief, Reply Brief) Affidavits/declaration(s) Power of Attorney And Proprietary Information Extension of Time Request Correspondence Address Status Letter Indication Form **Express Abandonment Request** Return-Receipt Postcard Terminal Disclaimer Information Disclosure Other Enclosure(s) (please Statement Request for Refund identify below): Certified Copy of Priority CD Number of CD(s) Document(s) Landscape Table on CD Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under Remarks 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Signature Donald J. Pochopien, Reg. No. 32,167 Printed Name Date March 16, 2005 **CERTIFICATE OF MAILING** I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope

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32,167

March 16, 2005

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er the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number 10/081,526 **Application Number** POWER OF ATTORNEY 02/21/2002 Filing Date Jack Wilkinson et al. First Named Inventor and Methods For Improving Or Altering Title CORRESPONDENCE ADDRESS Promoter/Enhancer Properties 1633 1639 **Art Unit** INDICATION FORM Not yet assigned **Examiner Name Attorney Docket Number** 0174.210US/16185US02 I hereby revoke all previous powers of attorney given in the above-identified application. I hereby appoint: Practitioners associated with the Customer 23,446 Number: OR Practitioner(s) named below: Name Registration Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith Please recognize or change the correspondence address for the above-identified application to: The address associated with the above-mentioned Customer Number The address associated with Customer Number: OR Firm or Individual Name Address City State ZIP Country Telephone Fax I am the: Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) SIGNATURE of Applicant or Assignee of Record Signature 3/11/2005 (650) 298-5300 Name Michael Rabson Telephone

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

Senior Vice-President, Maxygen, Inc.

Title and Company

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.